REMARKS

Claims 1-12 are pending. Claims 1-4 and 10 have been amended to provide antecedent basis for the limitations thereof. Claim 1 has been amended to address the *prima facie* rejection.

Claim Rejections – 35 USC §112

Claims 1-8 and 10 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter.

In rejecting claims 1, 2, 3 and 5-8, the Office asserts that "since multiple advertising contents (play of advertising content, storing advertisement content), exist in the claim, it is not clear which advertising content is referred by the limitation ***the advertising content.***" To remove the multiplicity, claim 1 has been amended and recites "a database for storing **the** advertising content."

In rejecting claim 3, the Office asserts that the limitations "**said** remote communicative devices, **said** display devices, and **the** associated display devices" lack antecedent basis. To address the rejection, claim 3 has been amended and recites "...said remote communicative **device...said plurality of remote** display devices... **the at least some of said plurality of remote** display devices...." For the same reason, claim 2 has been amended and recites "said **plurality of remote** display devices"

Claim 4 has been rejected as the limitation "**the** associated display devices" lacks antecedent basis. To address the rejection, claim 4 has been amended and recites "**the at least some of said plurality of** remote display devices."

Claim 10 has been rejected as the limitation "**the** output displays" lacks antecedent basis. To address the rejection, claim 10 has been amended and recites "**the plurality of** remote display devices."

Applicant submits that the present amendment has provided clear antecedent bases for the indicated limitations of claims 1-8 and 10. Accordingly, withdrawal of this rejection is respectfully requested.

Claim Rejections – 35 USC §103(a)

Claims 1, 2, 4-6, and 9-11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Stone in view of Debey. In rejecting claims 1, 2, 4-6, and 9-11, the Office asserts that Stone teaches "...a server being capable of receiving input preferences relating to play scheduling parameters selected from the group consisting of: frequency, interval, time of play, trigger events, and category filtering; a scheduling algorithm... for generating scheduling data utilizing the input preferences...." Applicant respectfully traverses.

Stone's invention relates to the creation and placement of presentations of commercial information with the purpose of informing buyers as to available products, goods, and services (hereinafter, collectively, referred below as). Stone's invention employs a text-only entry of information and data of the products, and generates the presentations in a standard format using a Presentation Rules Database, where the "Presentation Rules Database will have data field containing information that controls and limits the style and editing of the presentations to be created by a seller." (Col. 32, lines 58-60.) Stone further discloses "once the present invention generates the presentation, it either automatically published the presentations to the appropriate electronic destination or holds the presentation for a scheduled publication date to be submitted for a particular deadline or predetermined promotional market." (Col. 58, lines 34-38.) In contrast, the present invention discloses and claims a system for **scheduling** the distribution and **play of various types and formats** of advertising content (page 3, lines 26-29) on remote display devices, where the system comprises "**a server** being capable of receiving input preferences relating to play scheduling parameters selected from the group consisting of: frequency, interval, time of play, trigger events, and category filtering;

and **a scheduling algorithm executed on the server for generating scheduling data** utilizing the input preferences..." as recited in claim 1. Thus, it will be apparent to those of ordinary skill that Stone's invention is not related to the server and scheduling algorithm recited in claim 1 of the present application.

In rejecting claims 1, 2, 4-6, and 9-11, the Office also asserts that "Stone does not specifically mention about play of content on remote devices and play scheduling parameters. However, Debey discloses the well-known concept of play of content on remote devices and usage of play scheduling parameters." Applicant respectfully traverses.

Debey discloses a scheduling and routing computer that responds to a subscriber request for a particular program by retrieving the video program from the appropriate storage media and dividing the video program into a plurality of video segments (or video packets). The computer then schedules the plurality of video segments of the video program in accordance with a scheduling algorithm, where the algorithm produces the packet delivery sequences. Thus, the scheduling algorithm of Debey controls the **transmission sequence** of the video segment data packets over the network, where the video packets are not necessarily transmitted in the chronological viewing order (paragraph 64). In contrast, the scheduling algorithm of the present invention generates **the scheduling data that determines when and how often the advertising content is to be displayed in the remote display devices**. Thus, Debey fails to teach "**a server being capable of receiving input preferences relating to play scheduling parameters selected from the group consisting of: frequency, interval, time of play, trigger events, and category filtering; and a scheduling algorithm executed on the server for generating scheduling data utilizing the input preferences...**" as recited in claim 1. Thus, the ordinary skill in the art will appreciate that the scheduling algorithm of Debey is significantly different from the scheduling algorithm of the present invention and Debey does not read on the scheduling algorithm recited in claim 1 of the present application.

To further differentiate the present invention from the cited references, claim 1 has been amended and recites:

> 1. A system for scheduling the distribution and play of advertising content on remote display devices utilizing a network, comprising:
> ...(b) a server coupled to the database, the server being capable of receiving input preferences relating to play scheduling parameters selected from the group consisting of: frequency, interval, time of play, trigger events, and category filtering:
> (c) **a scheduling algorithm** executed on the server **for generating scheduling data** utilizing the input preferences, the scheduling algorithm being based on predetermined methods of processing the input preferences; and
> (d) a network for distributing the advertising content and the scheduling data to a plurality of remote display devices, **said scheduling data indicating when and how often the advertising content is to be displayed in the plurality of remote display devices.** (Emphasis added.)

Support for the recitations added to claim 1 is found in the specification, page 11, lines 19-23, and FIGS. 7-8.

As mentioned above, Both Stone and Debey fail to teach "**a server being capable of receiving input preferences relating to play scheduling parameters selected from the group consisting of: frequency, interval, time of play, trigger events, and category filtering**; and **a scheduling algorithm executed on the server for generating scheduling data utilizing the input preferences**" as recited in the previous claim 1. Amended claim 1 further includes an additional limitation "**said scheduling data indicating when and how often the advertising content is to be displayed in the plurality of remote display devices.**" Consequently, the cited references, taken individually or collectively, fail to teach "a server being capable of receiving input preferences relating to play scheduling parameters selected from the group consisting of: frequency, interval, time of play, trigger events, and category filtering; a scheduling algorithm executed on the server for generating scheduling data utilizing the input preferences...**said scheduling data**

indicating when and how often the advertising content is to be displayed in the plurality of remote display devices" as recited in amended claim 1. Accordingly, Applicant submits that claim 1 is allowable over the cited references. Claims 1, 2, 4-6, and 9-11 depend from independent claim 1, and as such, are also patentable for at least the same reasons.

Claims 2, 5, 6 and 9, which are dependent claims of claim 1, have been rejected based on the same reason as claim 1. In addition, the Office asserts that Stone teaches the limitations of claims 2, 5, 6 and 9. Applicant respectfully traverses.

As recited in claim 1, the scheduling algorithm generates the scheduling data utilizing the input preferences relating to the play scheduling parameters. However, Stone is silent on the play scheduling parameters as admitted by the Office. Thus, Stone fails to teach "the scheduling data" disclosed in claim 1. Claims 2, 5, 6 and 9 depend from claim 1 and are drawn to elements related to the scheduling data. Accordingly, Stone does not teach the elements -- the remote communicative device, user interface, database for storing the scheduling data, and user interface coupled to the network for updating the scheduling date -- as recited in claims 2, 5, 6 and 9, respectively. Thus, the failure of Stone to teach these elements clearly renders claims 2, 5, 6 and 9 more patentable over Stone. Accordingly, Applicant requests that the rejection to claims 1, 2, 4-6, and 9-11 be withdrawn and that an indication of allowance be issued.

Claim Rejections – 35 USC §102

Claim 3 has been rejected under 35 U.S.C. §102(e) as being anticipated by Stone and Debey in view of Gehani. Applicant respectfully traverses.

Even though Gehani discloses remote communicative devices including at least one remote server, Gehani does not teach that the remote server of Gehani executes **"a scheduling algorithm...for generating scheduling data utilizing the input preferences... said scheduling data indicating when and how often the**

advertising content is to be displayed in the plurality of remote display devices" as recited in claim 1. Also, as mentioned above, Stone and Debey fail to teach the same recitation of claim 1. As the cited references fail to teach every element of claim 1, and claim 3 depends from claim 1, Applicant submits that claim 3 is not anticipated by the cited references. Applicant requests that the rejection to claim 3 be withdrawn and that an indication of allowance be issued.

Claim Rejections – 35 USC §103(a)

Claims 7, 8, and 12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Stone and Debey in view of "Official Notice."

The Office has taken Official Notice of several aspects of claims 7, 8, and 12, including a tag associated with the scheduling data, separate scheduling database from content database, and gaming device coupled to the server and capable of communicating content associated with gaming. As noted above, Stone and Debey fail to teach "a scheduling algorithm...for generating scheduling data utilizing the input preferences... said scheduling data indicating when and how often the advertising content is to be displayed in the plurality of remote display devices" as recited in claim 1. As the Official Notice does not teach the scheduling algorithm as recited in claim 1, Stone and Debey fail to teach or suggest Applicant's invention as recited in claim 1 even in light of the Official Notice. Accordingly, Applicant respectfully submits that claim 1 is allowable over cited references in view of Official Notice. It is axiomatic that claims that depend from an allowable base claim are themselves allowable. Thus, Applicant submits that claims 7, 8 and 12 are patentable over Stone and Debey in view of Official Notice. Applicant respectfully requests that the rejection to claims 7, 8 and 12 be withdrawn and that an indication of allowance be issued.

In applying the Official Notice to reject claims 7, 8, and 12, the Office asserts that, without providing factual support, "It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a tag associated

with the scheduling data is stored with the content, separate scheduling database from content database, a gaming device coupled to the server and capable of communicating content associated with gaming with the teachings of Stone in order to facilitate usage of databases that contain separate data for content and schedule data because the tag associated with the scheduling data stored with the content will help provide indication of when the content is scheduled to be used for a target device for execution. A gaming device connected to the server on the network will provide gaming related information that can be provided to the devices on the network for user presentation." The Office makes this conclusion without citing a reference or providing specific facts in support of thereof and thus, provides no support for the conclusion. Applicant respectfully requests the Office must provide evidence of this fact or provide an explanation as to why no evidence is required. MPEP § 2144.03.

Conclusion

Based on the reasons as set forth above, Applicant respectfully requests allowance of all pending claims including 1-12.

In the event that there are any questions concerning this paper, or the application in general, the Examiner is respectfully urged to telephone Applicants' undersigned representative so that prosecution of the application may be expedited.

Respectfully submitted,

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